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8
UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION — SAN JOSE DIVISION

11 Fareed Sepehry-Fard,

12 Plaintiff,

13 vs.

14 Select Portfolio Servicing, Inc. et al.,

15 Defendants.

16 Case No. 14-CV-05142-LHK

**17 ORDER ON MOTION TO HOLD
PLAINTIFF IN CONTEMPT OF COURT**

18 Date: August 11, 2016

Time: 1:30 p.m.

Place: Courtroom 8
280 South 1st Street
San Jose, CA 95113

Judge: Hon. Lucy H. Koh

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1 The Court, having reviewed the motion of defendant Countrywide Home Loans, Inc.
 2 ("CHL") and Recontrust Company, N.A. ("Recontrust") to find plaintiff Fareed Sepehry-Fard
 3 ("Sepehry-Fard") in contempt for violation of the Court's order declaring Sepehry-Fard a
 4 vexatious litigant, finds it well taken and therefore grants it.

5 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

6 The Court makes the following findings of fact and conclusions of law in support of this
 7 order.

8 On March 10, 2015, the Court entered a vexatious litigation order as to Sepehry-Fard (the
 9 "Vexatious Litigant Order"). This order declared Sepehry- Fard a vexatious litigant and provided
 10 that, in part,

11 The Court DECLARIES Plaintiff a vexatious litigant.

12 This order is not a bar to bringing lawsuits; it merely requires pre-
 13 filing review. Accordingly, Fareed Sepehry- Fard must obtain leave
 14 before filing any action in the United States District Court for the
 15 Northern District of California related to the foreclosure on his
 16 property located at 18314 Baylor Avenue, Saratoga, California
 17 95070. The Clerk shall forward any such complaint submitted by
 18 Plaintiff to the general duty judge for prefiling review. This order
 19 extends to actions originally brought in state court and removed to
 20 this district, and to adversary proceedings in this district's
 21 bankruptcy court. Any violation of this order will expose Plaintiff to
 22 a contempt hearing and appropriate sanctions, and any action filed in
 23 violation of this order will be subject to dismissal.

24 The Court finds that a copy of the Vexatious Litigant was served on Sepehry-Fard and that
 25 he had notice of the terms of this order.

26 The Court further finds the following actions or proceedings initiated by Sepehry-Fard
 27 were in violation of the Vexatious Litigant Order.

- 28 • The adversary proceeding of *Sepehry-Fard v. Select Portfolio Servicing, Inc., et al.*,
 29 Case No. 15-05048 (Bankr. N.D.Cal. 2015).
- 30 • The appellate cases of *Sepehry-Fard v. Select Portfolio Servicing, Inc., et al.*, Case
 31 Nos. 15-1392 – 15-1395 (B.A.P. 9th Cir. 2015).
- 32 • The Motion for Relief From Order, and all subsequent filings that arose out of this
 33 motion, filed in *Sepehry-Fard v. Countrywide Home Loans, Inc.* et al., Case No.
 34 70003.0112/7651604.1

1 5:13-cv-05769-BLF (N.D.Cal 2013).

2 • The appellate case of *Sepehry-Fard v. Countrywide Home Loans, Inc. et al.*, Case
3 No. 16-15526 (9th Cir. 2015).

4 • The Motion to Compel Mediation or Modification or Settlement, and all
5 subsequent filings that arose out of this motion, filed in the case of *In re Sepehry-*
6 *Fard*, Case No. 16-50582 (Bankr. N.D.Cal. 2016).

7 • The appellate case of *In re Sepehry-Fard*, Case No. 16-1134 (B.A.P. 9th Cir.
8 2016).

9 The Court further finds that CHL and Recontrust paid \$_____ in attorneys' fees
10 and costs in defending against these actions.

11 **ORDER**

12 IT IS THEREFORE ORDERED THAT

13 1. Sepehry-Fard shall have 10 days from entry of this order to dismiss the appellate
14 matters of *Sepehry-Fard v. Select Portfolio Servicing, Inc., et al.*, Case Nos. 15-1392 – 15-1395
15 (B.A.P. 9th Cir. 2015), *Sepehry-Fard v. Countrywide Home Loans, Inc. et al.*, Case No. 16-15526
16 (9th Cir. 2015), and *In re Sepehry-Fard*, Case No. 16-1134 (B.A.P. 9th Cir. 2016). If all appeals
17 are not dismissed by the 11th day, a daily sanction of \$_____, payable to the Court,
18 shall be assessed against Sepehry-Fard.

19 2. Within 10 days of entry of this order, Sepehry-Fard shall pay CHL and Recontrust
20 attorneys' fees and costs in the amount of \$_____.

21 3. A hearing to ensure compliance with this order is set for _____, 2016 at
22 _____.

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24 DATED: August, _____, 2016

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26 _____
27 Hon. Lucy H. Koh
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